

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

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Thank you for your patience.

Atty

Charlene G. Jones (Estate)

Barrus, John E. (for Walter G. Jones – Executor – Petitioner)

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Fees [Prob. C. 11600; 10830]

DO	D: 2-24-09	WALTER G. JONES, Executor with Full IAEA without bond, is	NEEDS/PROBLEMS/
		Petitioner.	COMMENTS:
		Accounting is waived.  I&A: \$ 240,000.00 (residence)  POH: \$ 1,500.00 (cash in attorney trust account)	As sole heir pursuant to     Decedent's will, Petitioner     waived accounting;
	Aff.Sub.Wit.	Executor (Statutory): Waived	however, under Probate
~	Verified	Attorney (Statutory): \$6,550.00	Code § 10954(c)(2), a creditor whose interest has
~	Inventory	Costs: \$435.00 (filing)	not been satisfied may petition for account.
~	PTC		·
>	Not.Cred.	Petitioner states that except for the funds held in the attorney trust account, there are no remaining assets of the estate.	The Bank of America Creditor's Claim was
~	Notice of Hrg	Petitioner states he obtained a line of credit for about	allowed, but is not paid.
	Aff.Mail W Aff.Pub.	\$65,000.00 against the residence and took a draw against	Examiner notes that Notice
	Sp.Ntc.	the line of credit for about \$65,000.00, less \$6,650.00 in loan processing and appraisal fees, a loan broker fee of	of Hearing was mailed to
	Pers.Serv.	\$6,000.00, a document preparation fee of \$750.00, and	the creditor on 8-10-12.
	Conf. Screen	prepaid interest in the amount of \$13,750.00, resulting in a	The Court may require
>	Letters	net distribution to Petitioner of about \$37,850.00. Except for \$3,062.00 used for residence maintenance expenses,	continuance for response or inquiry, if any.
	Duties/Supp	Petitioner advises the Court that he used the remaining	. , ,
	Objections	portion of the draw for his personal living expense, including a new business venture, against the advice of his counsel.	<u>SEE PAGE 2</u>
	Video Receipt	G	
	Cl Report	Petitioner subsequently sold the real property, at which time all amounts owed on the property, including the line of	
~	9202	credit, were paid. Petitioner received \$19,887.02 from the	
~	Order	sale, and again, contrary to the advice of his counsel, used the proceeds to pay for his own medical expenses.	
	Aff. Posting	Petitioner states his only income is approx. \$880.00/month	Reviewed by: skc
	Status Rpt	from Social Security, and prior to the sale, Petitioner had	Reviewed on: 9-6-12
-	UCCJEA Citation	suffered a serious stroke. Petitioner apologizes to the Court and asks the Court's forgiveness for his lapse in judgment in	Updates:  Recommendation:
~	FTB Notice	using estate funds to pay his own expenses.	File 1 - Jones
		Petitioner states that the \$1,500.00 remaining in the attorney trust account will be used toward attorney fees and costs, and that he will assume personal responsibility for payment of the remainder of the attorney fees and the creditor's claim of Bank of America (\$1,965.21) by assigning liens on a future inheritance (attached).	
		Petitioner prays for an Order confirming and approving his acts and proceedings, ordering his personal liability to pay the creditor's claim and the balance of the attorney fees in accordance with the "Priority Assignment of Beneficial Interest in Estate of Dorothy Jones Ripperdan" and "Secondary Assignment," and distribution of property now now known or discovered to Petitioner.	

### 1 Charlene G. Jones (Estate)

#### Case No. 09CEPR00579

### **NEEDS/PROBLEMS/COMMENTS:**

- 2. Petitioner requests that the Court approve his acts and proceedings as Executor including:
  - borrowing against and encumbering the real property of the estate without Court authorization, which is a violation of Probate Code §9800,
  - using the funds received for purposes other than the purposes allowed by Probate Code §9800 (also a violation), including the majority for Petitioner's personal use ("a new business venture").
  - This constitutes an unauthorized preliminary distribution in violation of Probate Code §11621, which states that the Court may authorize preliminary distribution if it appears that it may be made without loss to creditors or injury to the estate.
  - Petitioner then sold the real property and used the remainder of the funds for personal use, which is further unauthorized preliminary distribution in violation of Probate Code §11621.

Although Petitioner is the sole heir, his duty is first to the estate, including administration and payment of creditors. It appears that Petitioner's actions have resulted in an insolvent estate and an unpaid creditor.

The Court may require that any language approving these acts be stricken from the final order.

3. Petitioner requests to assume personal liability for payment of the creditor's claim and executed "Priority" and "Secondary Assignments of Beneficial Interest in Estate of Dorothy Jones Ripperdan," wherein he assigns his beneficial interest as an heir of his deceased great-aunt for payment of the balance of the attorney fees and Bank of America Creditor's Claim.

Petitioner explains that he was recently advised that he is an heir of this estate, which "<u>may</u>" be enough to pay the Creditor's Claim and the remainder of the statutory attorney fees, but that the principal asset of the estate is held by the California Controller's office and will "probably not be paid to him any time soon."

Examiner notes that Petitioner does not provide any information about this estate or decedent, and it does not appear to be an estate in this Court, and that any assignment would need to be made pursuant that estate's administration, not this one.

Further, Examiner is not aware of authority that would allow this Court to make an order for personal liability on a creditor's claim in reliance of a future possible source of income.

Lastly, these "Assignments" are only assignments of this possible future inheritance, and do not appear to include any personal assumption of liability.

The Court may require agreement of the creditor or alternative plan.

4. Under Probate Code § 12205, the Court may reduce the attorney's compensation if the Court makes determinations that the time taken for administration exceeded the time required by this chapter, that the time was within control of the personal representative or attorney whose compensation is being reduced, and that the delay was not in the best interest of the estate. Here, Petitioner states the actions he took during estate administration were advised against by his counsel, which indicates that Attorney Barrus was aware of Petitioner's continuing actions, and regardless, was aware that estate administration was exceeding of the one year time frame provided by Probate Code § 12200.

The Court may require clarification regarding the attorney's failure to timely close the estate or provide status report to disclose the cause of such failure, and may reduce the statutory compensation pursuant to Probate Code § 12205. Examiner notes that such status report and disclosure pursuant to Probate Code § 12201 may have prevented further action and damage to the estate, and may have prompted payment to the creditor, which would have allowed the estate to close and authroized payment to be made to Petitioner.

Atty Johnson

Johnson, Kevin (pro per Administrator)

Atty Sanoian, Joanne (former attorney for Administrator Kevin Johnson)

Petition for Payment to Joanne Sanoian of Extraordinary Fees and Costs Advanced

DOD: 6/25/2009			JOANNE SANOIAN, former attorney for Kevin	NEEDS/PROBLEMS/
			Johnson, is petitioner.	COMMENTS:
			<b>Petitioner states</b> her office represented Kevin Johnson as Administrator of the Estate from	Petition requests 2 hours of time at \$40 per hour for
	nt. from Aff.Sub.Wit.		approximately March 29, 2010 to March 11,	services of her legal
<b>✓</b>	Verified		2011.	assistant. It appears that this is for secretarial services
	Inventory		Petitioner waives statutory fees for ordinary	which pursuant to Local Rule 7.17B are considered
	PTC		services rendered to the estate.	by the court to be a part of
	Not.Cred.			the cost of doing business
✓	Notice of Hrg		Petitioner is requesting fees for extraordinary services rendered to the estate in connection	and therefore are not reimbursable.
✓	Aff.Mail	W/	with an unlawful detainer action. The action	2. Need Order.
	Aff.Pub.		was contested and resulted in a trial.	2. Need Older.
	Sp.Ntc.		Detitioner requests feet totaling \$9.475.00 for	
	Pers.Serv.		Petitioner requests fees totaling <b>\$8,475.00</b> for total of 48.30 hours of attorney, paralegal and	
	Conf. Screen		legal assistant time. Attorney time is billed at	
	Letters		\$200 per hour, paralegal time is billed at \$125	
	Duties/Supp		per hour and legal assistant time is billed at \$40	
	Objections		per hour. Itemization of time is attached to the	
	Video		petition.	
	Receipt			
	CI Report		Petitioner further requests costs totaling	
	9202		\$1,260.00 for filing fees, process server,	
	Order	Χ	publication and probate referee.	
	Aff. Posting		Detition or required the order for payers and of	Reviewed by: KT
	Status Rpt		Petitioner requests the order for payment of fees and costs include a direction that said	Reviewed on: 9/6/12
	UCCJEA Citation		funds are to be either paid, a) directly from the	Updates:  Recommendation:
	FTB Notice		escrow account now pending in this matter at	File 2 - McCray
	rib Nonce		Chicago Title, b) become a lien on the	File 2 - McCidy
			property at 408 W. Eden, Fresno and/or should	
			be, c) withdrawn from that blocked account	
			held in the name of Kevin Johns on behalf of	
			the estate of Shirley Ann McCray.	

Atty

Barrus, John E. (for Petitioner/Conservator Sigrid Anderson)

- (1) Second and Final Account and Report of Conservator; Petition for Its Approval;
- (2) For Allowance of Attorney's Fees and Costs; (3) For Authority to Deliver Assets and (4) for Discharge of Conservator [Prob. C. 1860, 2620, 2631 & 2640]

DOD: 7/6/12			SIGRID ANDERSON, Conservator, is petitioner.  NEEDS/PROBLEMS/COMMENTS:
, ,			, , , , , , , , , , , , , , , , , , , ,
			Account period: 7/1/2011 – 6/30/2012
			Accounting - <b>\$291,091.03</b>
Co	ont. from		Beginning POH - <b>\$246,554.30</b>
	Aff.Sub.Wit.		Ending POH - \$199,494.16
1	Verified		Canana sakar
	Inventory		Conservator - <b>Not addressed</b>
	PTC		Attorney - <b>\$4,362.00</b> (per
	Not.Cred.		itemization and declaration. 27.30 hours
✓	Notice of Hrg		charged at \$280 per hour for attorney time and \$140 per hour for paralegal time.)
<b>√</b>	Aff.Mail	W/	
	Aff.Pub.		Costs - <b>\$48.00</b> (unpaid balance of the filing fee.)
	Sp.Ntc.		balance of the filling fee.)
	Pers.Serv.		Current bond - <b>\$330,440.00</b> (is
	Conf. Screen		sufficient)
	Letters		Petitioner was appointed as Administrator of the
	Duties/Supp		Estate of Elizabeth Bremer on 7/26/12.
	Objections		
	Video		
	Receipt		Petitioner prays for an Order:
	CI Report		Approving, allowing and settling the second and final account.
✓	2620		2. Authorizing payment of attorney fees
✓	Order		and costs
	Aff. Posting		3. Delivery of the remaining property on hand to Sigrid Anderson, as Administrator  Reviewed by: KT
	Status Rpt		of the Estate of Flizabeth Bremer
	UCCJEA		Updates:
<u> </u>	Citation		Recommendation:
	FTB Notice		File 3 – Bremer

Atty Moore, Susan L., of Pascuzzi, Moore & Stoker (for Petitioners David R. Spencer and Suzanne S. MacInnis)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/23/2012			DAVID RONALD SPENDER and SUZANNE	NEEDS/PROBLEMS/COMMENTS:
			SPENCER MacINNIS, children and alternate	
			named Co-Executors without bond, are	
			Petitioners.	
<u> </u>			(First named Executor is deceased.)	
Co	nt. from	S/P		
	Aff.Sub.Wit.	3/P	Full IAEA — O.K.	
<b>V</b>	Verified		TOILIALA - O.K.	
	Inventory			
	PTC			
	Not.Cred.		Will dated: 3/17/1987	
✓	Notice of Hrg			
✓	Aff.Mail	W/	Residence – Fresno	
✓	Aff.Pub.		Publication – Business Journal	
	Sp.Ntc.		Toblication Dosiness seemal	
	Pers.Serv.			
	Conf. Screen			
	Aff. Posting		Estimated value of the Estate:	
✓	Duties/Supp		Personal property - \$ 5,000.00	
	Objections		Real property - \$185,000.00	
	Video		Total - \$190,000.00	
	Receipt			
	CI Report			
	9202			
✓	Order		Probate Referee: Rick Smith	
✓	Letters		Trobate Referee. Rick Strillin	Reviewed by: LEG
	Status Rpt			<b>Reviewed on:</b> 9/6/12
	UCCJEA			Updates:
	Citation			Recommendation: SUBMITTED
	FTB Notice			File 5 - Spencer

Coleman, William H (for Petitioner Theresa Johnson)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6/6/12			THERESA JOHNSON, named executor	NEEDS/PROBLEMS/COMMENTS:
			without bond, is petitioner.	
			Full IAEA – o.k.	Robert Lester, named alternate executor, was not listed on #8 of
Co	nt. from	,	Will dated: 6/1/1995	the petition.
	Aff.Sub.Wit.		Codicil dated: 12/13/1995	
✓	Verified		Coalcii dallod. 12, 10, 1770	Need proof of service of the     Notice of Petition to Administer
	Inventory		Residence: Fresno	the Estate on Robert Lester,
	PTC		Publication: Fresno Business Journal	named alternate executor,
	Not.Cred.			pursuant to Probate Code
	Notice of Hrg		Estimated Value of the Estate:	8110(b).
✓	Aff.Mail	W/	Personal property - \$240,000.00	Note: Status hearings will be set as
✓	Aff.Pub.			follows:
	Sp.Ntc.			• Friday, February 8, 2013 at 9:00
	Pers.Serv.			a.m. in Department 303 for the
	Conf. Screen			filing of the inventory and appraisal, and
✓	Letters			appraisal, al la
✓	Duties/Supp		Probate Referee: STEVEN DIEBERT	Friday, November 8, 2013 at 9:00     a.m. in Department 303 for the
	Objections			filing of the first account or final
	Video			distribution.
	Receipt			D 11 1 1 7 5 7 5 7 1
	CI Report			Pursuant to Local Rule 7.5 if the
	9202			required documents are filed 10
✓	Order			days prior to the hearings on the
				matter the status hearing will come off calendar and no appearance
				will be required.
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 9/6/12
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 6 - Johnson
				6

Atty

Grice- Austin, Pearl (pro per Petitioner/sister)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Ad	Age: 16 years		GENERAL HEARING 10/30/12	NEEDS/PROBLEMS/COMMENTS:
DOB: 10/25/1995				,
			<b>PEARL BRICE-AUSTIN</b> , sister, is petitioner.	Need Notice of Hearing.
			Father: <b>JOHN H. GRICE</b>	Need proof of personal service, 5     court days prior to the hearing, of the
Со	nt. from		Mother: <b>YVETTE FISHER</b>	Notice of Hearing along with a copy
	Aff.Sub.Wit.		Dalamatan alƙallara Darasan d	of the Temporary Petition or Consent
✓	Verified		Paternal grandfather: Deceased Paternal grandmother: Marie Bachelor	and Waiver of Notice or Declaration of Due Diligence on:
	Inventory		Maternal grandparents: unknown	a. Briana Grice (minor)
	PTC			b. John Grice (father)
	Not.Cred.			c. Yvette Fisher (mother)
	Notice of	Χ	<b>Petitioner states</b> mom is homeless and on	
	Hrg		drugs. A temporary guardianship is	Note to Judge: If the temporary is
	Aff.Mail		needed to handle school and medical	granted please insert the expiration date
	Aff.Pub.		issues.	at #9 of the order.
	Sp.Ntc.			
	Pers.Serv.	Χ		
✓	Conf.			
	Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video			
	Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 9/6/12
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 7 - Grice
				7

## David Caywood-Hernandez & Vincent Caywood-Sanchez (GUARD/P)

Case No. 12CEPR00779

# Atty Campos, Denise (pro per Petitioner/maternal aunt)

8

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

David age: 15 GENERAL HEARING 10/31/2012		· · · · · · · · · · · · · · · · · · ·	NEEDS/PROBLEMS/COMMENTS:	
DOB: 9/12/1997			OLIVERAL HEARING 10/01/2012	THEEDS/TROBLETTIS/ CONTINENTS.
Vincent age: 13			<b>DENISE CAMPOS,</b> maternal aunt, is	3. Need Notice of Hearing.
DOB: 10/2/1998			petitioner.	
				4. Need proof of personal service, 5
			Father: <b>DAVID SANCHEZ</b>	court days prior to the hearing, of the Notice of Hearing along with a copy
Со	nt. from			of the Temporary Petition or Consent
	Aff.Sub.Wit.		Mother: SHANNON COLLEEN BENNETT	and Waiver of Notice or Declaration
1	Verified		Datamal grandparants: Not listed	of Due Diligence on:
ľ	Inventor		Paternal grandparents: Not listed	d. David Caywood-Hernandez
-	Inventory PTC		Maternal grandparents: Not listed	(minor)
			<b>Petitioner states</b> mom is mentally	e. Vincent Caywood-Sanchez (minor)
	Not.Cred.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	unstable. Mom is abusing prescription	f. David Sanchez (father)
	Notice of Hrg	Χ	medication and possibly illegal drugs as	g. Shannon Colleen Bennett
	Aff.Mail		well.	(mother)
$\Vdash$	Aff.Pub.			
	Sp.Ntc.			
$\vdash$	Pers.Serv.		Objections of mother, Shannon Bennett, filed	
		Χ	on 9/6/12 states she is fully capable of caring	
<b>√</b>	Conf. Screen		for her two children. They both reside with	
	Letters		her. They are both in school full time and	
✓			have expressed a desire to stay in the home	
✓	Duties/Supp		with their mother. Mom states she is currently	
1	Objections		collecting unemployment and seeking full	
Ě	Video		time work. Mom states her job downsized	
	Receipt		and her department and job was eliminated.	
	Cl Report		Giirii Mica.	
	9202			
1	Order			
⊩	Aff. Posting	-		Reviewed by: KT
	Status Rpt			Reviewed by: KI Reviewed on: 9/6/12
1	UCCJEA	<del>                                     </del>		Updates:
<b>  </b>				•
	Citation			Recommendation:
	FTB Notice			File 8 – Caywood-Hernandez & Caywood-Sanchez
<u>Ш</u>		<u> </u>		Caywood-sanchez